

TITLE 16. Board of Optometry

NOTICE IS HEREBY GIVEN that the Board of Optometry is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 4090, Sacramento, California, at 11:00AM, November 19, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Optometry at its office not later than 5:00 p.m. on November 17, 2003 or must be received by the Board of Optometry at the hearing. The Board of Optometry, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 3025, Business and Professions Code, and to implement, interpret or make specific sections, 3041 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows: Adoption of section 1571, Lacrimal Irrigation and Dilation Procedure approval form.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1571. Senate Bill (SB) 929, Chapter 626, Statutes of 2000) expanded the scope of therapeutic optometric practice (TPA) that included a provision for the Board to approve TPA certified licensees to independently perform lacrimal irrigation and dilation procedures. This new section will establish by reference the form optometrists are to submit to the Board when seeking approval to independently perform this procedure.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Optometry is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Optometry has determined that the proposed regulations would not affect small businesses because the proposed regulation only incorporates by reference a procedure approval form.

CONSIDERATION OF ALTERNATIVES

The Board of Optometry must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Optometry has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Optometry at 400 R Street, Suite 4090, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

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|-----------------|--|
| Name: | Rex Farmer |
| Address: | 400 R Street, Suite 4090 Sacramento, CA 95814 |
| Telephone No.: | (916) 322-0961 |
| Fax No.: | (916) 445-8711 |
| E-Mail Address: | rex_farmer@dca.ca.gov |

The backup contact person is:

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|-----------------|--|
| Name: | Jane Flint |
| Address: | 400 R Street, Suite 4090 Sacramento, CA 95814 |
| Telephone No.: | (916) 323-8720 |
| Fax No.: | (916) 445-8711 |
| E-Mail Address: | jane_flint@dca.ca.gov |

Website Access :

Materials regarding this proposal can be found at www.optometry.ca.gov

PROPOSED ADOPTION: CALIFORNIA CODE OF REGULATIONS
SECTION 1571

Article 11. Therapeutic Pharmaceutical Agents

1571. For an optometrist who seeks the approval of the Board to perform lacrimal irrigation and dilation of patients over 12 years of age pursuant to Business and Professions Code section 3041, subdivision (e)(6), the Board of Optometry shall require the applicant to submit the form entitled "Request for Approval to Perform Lacrimal Irrigation and Dilation" (LIDP-1, 6-03), which is hereby incorporated by reference.

Note: Authority cited: Sections 3025, Business and Professions Code. Reference: Sections 3041, Business and Professions Code.



Board of Optometry
 400 R Street, Suite 4090
 Sacramento, CA. 95814
 Tel: (916) 323-8720
 www.optometry.ca.gov



Request for Approval to Perform Lacrimal Irrigation and Dilation Procedures

Business and Professions Code section 3041(e)(6) requires that California licensed optometrists must complete ten lacrimal irrigation and dilation procedures under the supervision of an ophthalmologist(s), as confirmed by the ophthalmologist, before the optometrist will be approved to independently perform the procedures. Optometrists wishing to obtain such approval must use this form to document qualifying experience.

Upon receipt of documentation of 10 qualifying procedures, the Board of Optometry will issue an Approval to Perform Lacrimal Irrigation and Dilation Procedures to the Optometrist.

This section is to be completed by the ophthalmologist(s) supervising the procedures.

I certify under penalty of perjury under the laws of the State of California that the California licensed optometrist listed herein has competed all or such portion of lacrimal irrigation and dilation procedure as is indicated below. I understand that any misstatements of material facts may be cause for the denial of the licensed optometrist's lacrimal irrigation and dilation procedure approval and cause for disciplinary action by the Board.

Name of Optometrist: _____ Optometrist License Number: _____

| | Date of Procedure | Signature of Supervising Ophthalmologist | Name of Supervising Ophthalmologist |
|-----|--------------------------|---|--|
| 1. | | | |
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| 8. | | | |
| 9. | | | |
| 10. | | | |

This section to be completed by optometrist requesting Approval to Perform Lacrimal Irrigation and Dilation Procedures.

I certify under penalty of perjury under the laws of the State of California that the information provided on this form is true and I understand and agree that any misstatements of material facts may be cause for the denial of my request for Approval to Perform Lacrimal Irrigation and Dilation Procedures and Board disciplinary action.

Signature

Date

This section to be completed by Board staff.

Approve/Disapprove:

Signature

Date

Printed Name

(LIDP-1, 6-03)